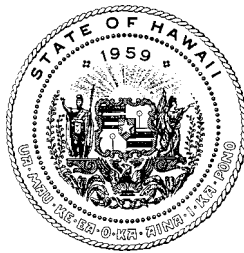


**State of Hawaii**

**PAYMENT OF WAGES AND  
OTHER COMPENSATION LAW**

**and**

**RELATED ADMINISTRATIVE RULES**



**Wage Standards Division**

**Department of Labor and Industrial Relations**

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Hawaii Revised Statutes

**Chapter 388**  
**PAYMENT OF WAGES AND OTHER COMPENSATION**

PART I

SECTION

- 388-1 DEFINITIONS
- 388-2 SEMIMONTHLY PAYDAY
- 388-3 EMPLOYEES WHO ARE SEPARATED FROM THE PAYROLL BEFORE PAYDAYS
- 388-4 PAYMENT OF WAGES TO RELATIVES OF DECEASED EMPLOYEES
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**Case Notes**

Chapters 387 and 388 serve to prevent employer from withholding sums or benefits to which employee has rights by virtue of contract with employer, not a predecessor. 661 F.2d 776.

**Case Notes**

Chapter establishes clear mandate of public policy to protect at will employee from being discharged for asserting rights accorded employee by its provisions, and does not provide sufficient remedy for discharge; no legislative intent to supersede common law remedy for wrongful discharge detected. 10 H. App. 250, 865 P.2d 170.

## PART I.

**§388-1 Definitions.** As used in this chapter:

"Director" means the director of labor and industrial relations.

"Employ" includes to permit or suffer to work.

"Employee" includes any person suffered or permitted to work.

"Employer" includes any individual, partnership, association, joint-stock company, trust, corporation, the personal representative of the estate of a deceased individual or the receiver, trustee, or successor of any of the same, employing any person, but shall not include the State or any political subdivision thereof or the United States.

"Wages" means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission, or other basis of calculation. It shall include the reasonable cost, as determined by the director under chapter 387, to the employer of furnishing an employee with board, lodging, or other facilities if such board, lodging, or other facilities are customarily furnished by the employer to the employer's employees but shall not include tips or gratuities of any kind, provided that for the purposes of section 388-6, "wages" shall include tips or gratuities of any kind. [L 1963, c 158, pt of §3; Supp, §95-1; HRS §388-1; am L 1972, c 122, §1; am L 1976, c 200, pt of §1; gen ch 1985]

### Revision Note

Numeric designations deleted and definitions rearranged.

**§388-2 Semimonthly payday.** (a) Every employer shall pay all wages due to the employer's employees at least twice during each calendar month, on regular paydays designated in advance by the employer, in lawful money of the United States or with checks convertible into cash on demand at full face value thereof; provided that when a majority of an employer's employees or a majority of the employees in a collective bargaining unit recognized by an employer or established by law elect, in a secret ballot election under procedures approved by the director of labor and industrial relations, to be paid once a month on a regularly scheduled basis, the employees shall be paid on such monthly basis. The elections shall not be held more frequently than once in every two years and each election shall be valid for a period of two years.

(b) The earned wages of all employees shall be due and payable within seven days after the end of each pay period.

(c) The director may, upon application showing good and sufficient reasons, permit an employer to:

(1) Establish regular paydays less frequently than semimonthly provided that the employee shall be paid in full at least once each calendar month on a regularly established schedule;

(2) Pay earned wages within fifteen days after the end of each pay period. [L 1963, c 158, pt of §3; am L 1964, c 20, §2; Supp, §95-2; HRS §388-2; gen ch 1985; am L 1989, c 32 §1]

**§388-3 Employees who are separated from the payroll before paydays.** (a) Whenever an employer discharges an employee either with or without cause, the employer shall pay the employee's wages in full at the time of discharge or if the discharge occurs at a time and under conditions which prevent an employer from making immediate payment, then not later than the working day following discharge.

(b) Whenever an employee quits or resigns, the employer shall pay the employee's wages in full no later than the next regular payday, as provided under section 388-2, either through the regular pay channels or by mail if requested by the employee, except that if the employee gives at least one pay period's notice of intention to quit, the employer shall pay all wages earned by the employee at the time of quitting.

(c) When work of an employee is suspended as a result of a labor dispute, or when an employee for any reason whatsoever is temporarily laid off, the employer shall pay in full to the employee not later than the next regular payday, as designated under section 388-2, either through the regular pay channels or by mail if requested by the employee, wages earned at the time of suspension or layoff. [L 1963, c 158, pt of §3; Supp, §95-3; HRS §388-3]

**§388-4 Payment of wages to relatives of deceased employees.** Where an employee dies leaving any wages, vacation, or sick leave pay due the employee, the employer shall, within thirty days after such death, whether or not a personal representative has been appointed, pay the wages, vacation, or sick leave pay in an amount not exceeding \$2,000 to, and upon application by the surviving spouse or reciprocal beneficiary or, if none, by an adult child. The employer shall require the applicant to show proof of his or her relationship to the deceased by affidavit and to acknowledge receipt of the payment in writing. Any such payment shall discharge the employer to the extent thereof and the employer shall not be liable to the decedent's estate. Any person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution. [L 1967, c 11, §1; HRS §388-4; am L 1984, c 174, §1; gen ch 1985; am L 1997, c 383, §56]

**§388-5 Unconditional payment of wages conceded to be due.** (a) In case of a dispute as to the amount of wages, the employer shall pay, without condition and within the time set by this chapter, all wages, or parts thereof, conceded by the employer to be due, leaving to the employee all remedies the employee might otherwise be entitled to, including those provided under this chapter, as to any balance claimed.

(b) The acceptance by an employee of a payment under this section shall not constitute a release or accord and satisfaction with respect to the disputed amount and any release required by an employer as a condition to payment shall be in violation of this chapter and shall be null and void. [L 1963, c 158, pt of §3; Supp, §95-4; HRS §388-5; gen ch 1993]

**[§388-5.5] Payment of wages by check.** Whenever an employee receives the employee's wages from the employee's employer in the form of a check for which insufficient amounts are available in the bank account of the employer, the employer shall be liable for any bank's special handling fee which the employee may incur by reason of negotiating the check. [L 1977, c 35, §1; gen ch 1985]

**§388-6 Withholding of wages.** No employer may deduct, retain, or otherwise require to be paid, any part or portion of any compensation earned by any employee except where required by federal or state statute or by court process or when such deductions or retentions are authorized in writing by the employee, provided that the following may not be so authorized, or required to be borne by the employee:

- (1) Fines;
- (2) Cash shortage in a common money till, cash box, or register used by two or more persons; or cash shortage in a money till, cash box, or register under sole control if the employee is not given an opportunity to account for all moneys received at the start of a shift and all moneys turned in at the end of a shift;
- (3) Fines, penalties, or replacement cost for breakage;
- (4) Losses due to acceptance by an employee of checks which are subsequently dishonored if employee is given discretion to accept or reject any check;
- (5) Losses due to defective or faulty workmanship, lost or stolen property, damage to property, default of customer credit, or nonpayment for goods or services received by customer if such losses are not attributable to employee's wilful or intentional disregard of employer's interest; or
- (6) Medical or physical examination or medical report expenses which accrue due to services rendered to an employee or prospective employee, where such examination or report is requested or required by the employer or prospective employer or required by any law or regulation of federal, state or local governments or agencies thereof. [L 1963, c 158, pt of §3; Supp, §95-5; HRS §388-6; am L 1972, c 121, §1; am L 1977, c 90, §1]

#### Case Notes

Paragraph (6) requirement that employer pay for medical examinations mandated by federal agency is preempted by §514(a) of the Employee Retirement Income Security Act. 807 F. Supp. 1501.

#### Case Notes

Section preempted by ERISA as it "relates to" an employee welfare benefit plan; FAA-mandated medical exam for pilots was "medical benefit" within meaning of ERISA employee welfare benefit plan. 12 F.3d 1498.

**§388-7 Notification, posting, and records.** Every employer shall:

- (1) Notify the employer's employees in writing, at the time of hiring of the rate of pay, and of the day, hour, and place of payment;
- (2) Notify the employer's employees in writing or through a posted notice maintained in a place accessible to the employer's employees of any changes in the arrangements specified above prior to the time of such changes;
- (3) Make available to the employer's employees in writing or through a posted notice maintained in a place accessible to the employer's employees policies with regard to vacation and sick leave;
- (4) Furnish each employee at every payday a legible printed, typewritten, or handwritten record showing the employee's total gross compensation, the amount and purpose of each deduction, total net compensation, date of payment, and pay period covered; and maintain and preserve a copy of such record or its equivalent for a period of at least six years;
- (5) Keep posted in a place accessible to the employer's employees such notices pertaining to the application of this chapter as shall be prescribed by the director of labor and industrial relations; and
- (6) Make and keep records of all employees which shall include basic employment and earnings records; and preserve such records for a period of time and in a manner as the director shall prescribe by rule. [L 1963, c 158, pt of §3; Supp, §95-6; HRS §388-7; gen ch 1985; am L 1988, c 61, §1]

**§388-8 Provisions of law may not be waived by agreement.** Except as provided in section 388-11, no provision of this chapter may in any way be contravened or set aside by private agreement. [L 1963, c 158, pt of §3; am L 1965, c 77, §1(a); Supp, §95-7; HRS §388-8]

**§388-9 Enforcement.** (a) The director of labor and industrial relations shall enforce and administer this chapter and the director or the director's authorized representatives may hold hearings and otherwise investigate charges of violations of this chapter and institute actions for penalties hereunder.

(b) The director or the director's authorized representatives may enter and inspect such places, question such employees, and investigate such facts, conditions, or matters as they may deem appropriate to determine whether any person has violated this chapter or any rule or regulation issued hereunder or which may aid in the enforcement of this chapter.

(c) If any judgment obtained by the director against an employer for nonpayment of wages remains unsatisfied for a period of thirty days after the time to appeal therefrom has expired and no appeal is pending or after such judgment has been finally affirmed on appeal, the director may institute proceedings in the name of the State in the circuit court in which the employer has the employer's principal place of business to compel the employer to cease doing any business until the judgment has been satisfied. [L 1963, c 158, pt of §3; Supp, §95-8; HRS §388-9; gen ch 1985]

**§388-10 Penalties.** (a) Civil. Any employer who fails to pay wages in accordance with this chapter without equitable justification shall be liable to the employee, in addition to the wages legally proven to be due, for a sum equal to the amount of unpaid wages and interest at a rate of six percent per year from the date that the wages were due.

(b) Criminal. Any employer who does not pay the wages of any of the employer's employees in accordance with this chapter, or any officer of any corporation who knowingly permits the corporation to violate this chapter by failing to pay wages of any of its employees in accordance with this chapter, or any employer or the employer's agent or any officer or agent of a corporation who discharges or in any other manner discriminates against any employee because the employee has made a complaint to the employee's employer, or to the director, or to any other person that the employee has not been paid wages in accordance with this chapter, or has instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceedings, or any employer who wilfully fails to comply with any other requirements of this chapter shall be fined not less than \$100 nor more than \$10,000 or imprisoned for not more than one year, or punished by both fine and imprisonment for each such offense. [L 1963, c 158, pt of §3; am L 1965, c 77, §1(b); Supp, §95-9; HRS §388-10; am L 1977, c 89, §1; gen ch 1985; am L 1994, c 84, §1; am L 1999, c 22, §1]

**Case Notes**

Employer has burden of proving "equitable justification" for failure to pay wages; civil penalty justified. 5H. App. 106, 679 P.2d 627.

**Case Notes**

Terms of this section and §388-11 do not provide relief for employee discharged for attempting to assert rights under chapter 388. 10 H. App. 250, 865 P.2d 170.

**Hawaii Legal Reporter Citations**

Civil penalty justified. 82-2 HLR 820908

**§388-11 Employees remedies.** (a) Action by an employee to recover unpaid wages may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of oneself or themselves, or the employee or employees may designate an agent or representative to maintain the action.

(b) Except for claims filed by individuals employed in bona fide executive, administrative, or professional capacity or in the capacity of an outside salesperson, whenever the director of labor and industrial relations determines that wages have not been paid, and that the unpaid wages constitute an enforceable claim, the director may upon the request of the employee take an assignment in trust for the wages without being bound by any of the technical rules respecting validity of any such assignments and may bring any legal action necessary to collect such claim. With the consent of the assigning employee at the time of the assignment the director may settle and adjust any such claim to the same extent as might the assigning employee. No claim shall be accepted by the director after the expiration of one year from the date the wages are due and payable.

(c) The court in any action brought under this section shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow interest of six per cent per year from the date the wages were due, costs of action, including costs of fees of any nature, and reasonable attorney's fees, to be paid by the defendant. The director shall not be required to:

- (1) Pay the filing fee or other costs or fees of any nature, including the opposing party's fees and costs; or
- (2) File a bond or other security of any nature, in connection with such action, with proceedings supplementary thereto, or as a condition precedent to the availability to the director of any process in aid of such action or proceedings. The director may join various claimants in one preferred claim or lien, and in case of suit join them in one cause of action.

(d) When the business of any person, corporation, company, or firm is suspended as a result of a writ of execution or attachment or is placed in the hands of a receiver, trustee, or assignee for creditors, then in all such cases claims for wages of not more than \$600 to each claimant, earned within one year of the date such business is suspended or placed in the hands of a receiver, trustee, or assignee for creditors, shall be paid in full prior to the payment of taxes or any other debts except a debt secured by a mortgage duly recorded before the wages were earned.

(e) Any employee desiring to enforce the employee's claim for wages under subsections (d), (e), and (f) of this section shall present a statement under oath showing the amount due, the kind of work for which the wages are due, and when the work was performed to the office or person charged with such property within twenty days after the seizure thereof on any execution or writ of attachment or within sixty days after the property has been placed in the hands of a receiver, trustee, or assignee for creditors. Any interested party may contest any such claim or part thereof by filing sworn exception thereto with such officer or person within ten days after the period for filing claims, and thereupon the claimant shall be required to reduce the claimant's claim to judgment before any part thereof shall be paid.

(f) No claim shall be paid until after the expiration of the time for filing and contesting claims. If the funds realized from the sale of the property are insufficient to pay the total claims for wages presented, then the funds shall be prorated on such claims. [L 1963, c 158, pt of §3; Supp. §95-10; am L 1967, c 13, §1; HRS §388-11; am L 1973, c 8 §1; gen ch 1985; am L 1994, c 84, §2; am L 1999, c 251, §4]

## §388-11

### Case Notes

Terms of this section and §388-10 do not provide relief for employee discharged for attempting to assert rights under chapter 388. 10 H. App. 250, 865 P.2d 170.

### Rules of Court

Collection suits, maintenance of, see HRCP rules 17(a), 18(a), 20, 23.

### Case Notes

Hawaii courts should be given discretion to enhance the lodestar fee when an attorney has been retained on a contingency fee basis; a "reasonable fee" under Hawaii fee-shifting statutes is an amount of fees that "would attract competent counsel," in light of all the circumstances, and that under certain circumstances the lodestar fee may be multiplied by a factor to achieve a "reasonable" award of fees. 96 H. 408, 32 P.3d 52.

Where a court awards attorney's fees pursuant to fee-shifting statutes in cases involving contingency fee arrangements, a trial judge should not be limited by the contingency fee arrangement between a plaintiff and his or her counsel in determining a reasonable fee; plaintiff is thus not necessarily barred from recovery of a doubled lodestar fee. 96 H. 408, 32 P.3d 52.

**§388-12 Reciprocal agreements with other states; actions.** (a) The director of labor and industrial relations may enter into reciprocal agreements with the labor department or corresponding agency of any other state or with the person, board, officer, or commission authorized to act on behalf of such department or agency, for the collection in such other states of claims or judgments for wages and other demands based upon claims assigned to the director.

(b) The director may, to the extent provided for by any reciprocal agreement entered into by law or with an agency of another state as herein provided, maintain actions in the courts of such other state for the collection of claims for wages, judgments, and other demands and may assign such claims, judgments, and demands to the labor department or agency of such other state for collection to the extent that such an assignment may be permitted or provided for by the law of such state or by reciprocal agreement.

(c) The director may, upon the written consent of the labor department or other corresponding agency of any other state or of any person, board, officer, or commission of such state authorized to act on behalf of such labor department or corresponding agency, maintain actions in the courts of this State upon assigned claims for wages, judgments, and demands arising in such other state in the same manner and to the same extent that such actions by the director are authorized when arising in this State. However, such actions may be maintained only in cases where such other state by law or reciprocal agreement extends a like comity to cases arising in this State. [L 1965, c 77, §1 (c); Supp, §95-11; HRS §388-12]

**§388-13 Rules and regulations.** The director of labor and industrial relations is authorized to issue such rules and regulations as the director determines necessary for the purpose of carrying out this chapter. [L 1963, c 158, pt of §3; Supp, §95-12; HRS §388-13; gen ch 1985]

### Cross References

Rulemaking, see chapter 91.

## PART II.

**§§388-31 to 33 REPEALED.** L 1972, c 27, §1.



### [PART III.]

**[§388-41] Advance notice of termination of employment.** If an employer requires an employee to give advance notice of termination and the employee gives such notice, the employer shall be liable for the wages which the employee would have earned during the stated period in such notice starting from the day such notice is given, providing that the employee does not voluntarily terminate the employment or the employment is not terminated for cause prior to the last day of such period. [L 1972, c 52, pt of §1]

**[§388-42] Other applicable provisions.** Sections 388-1 to 388-13 shall be applicable to this part and the terms "wages" and "compensation" used in the sections shall include all compensation payable under this part. [L 1972, c 52, pt of §1]

### [PART IV. JOB APPLICATION PROCESSING FEES]

**[§388-51] Job application processing fee.** Except provided for by chapter 373 and rules adopted thereto, no employer shall require to be paid or to be borne by an employee or prospective employee a job application processing fee. [L 1987, c 169, §1]

**[§388-52] Penalties.** Any employer found in violation of section 388-51 shall be subject to a fine of not less than \$100 nor more than \$1,000 to be collected by the director and such fine shall not be suspended. Each violation shall constitute a separate offense. Amounts so collected by the director shall be paid into the general fund. [L 1987, c 169, §2]

HAWAII ADMINISTRATIVE RULES

TITLE 12

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

CHAPTER 21

**THE ADMINISTRATION AND ENFORCEMENT  
OF THE PAYMENT OF WAGES AND  
OTHER COMPENSATION LAW**

§12-21-1	Definitions
§12-21-2	Monthly payday elections
§12-21-3	Exception to the semimonthly payday
§12-21-4	Withholding of wages
§12-21-5	Notification
§12-21-6	Individuals employed in bona fide executive, administrative, professional, or outside salesman capacity
§12-21-7	Accrued vacation; severance pay
§12-21-8	Hearing
§12-21-9	Wage claim fund

**Historical Note:** Chapter 21 of title 12 is based substantially upon "Regulation XXXVIII, Relating to the Administration and Enforcement of the Payment of Wages and Other Compensation Law" of the Department of Labor and Industrial Relations. [Eff. 12/3/71; am 8/26/73; R 7/30/81.

**§12-21-1 Definitions.** As used in this chapter:

"Department" means the department of labor and industrial relations.

"Director" shall be as defined in section 388-1, Hawaii Revised Statutes.

"Employ" shall be as defined in section 388-1, Hawaii Revised Statutes.

"Employee" shall be as defined in section 388-1, Hawaii Revised Statutes.

"Employer" shall be as defined in section 388-1, Hawaii Revised Statutes.

"Wages" shall be as defined in section 388-1, Hawaii Revised Statutes. [Eff. 7/30/81] (Auth: HRS §388-13) (Imp: HRS §388-13)

**§12-21-2 Monthly payday elections.** (a) A petition for once-a-month pay election, or for an election to terminate once-a-month pay, shall be made by:

- (1) An official representative of a recognized collective bargaining unit with the concurrence of at least twenty-five per cent of the total number of eligible voters in the collective bargaining unit as evidenced by their signatures thereon; or

- (2) Any employee of an employer not in a collective bargaining unit with the concurrence of at least twenty-five per cent of the eligible non-bargaining unit voters in the employ of that employer as evidenced by their signatures thereon.
- (b) The petition shall be filed on a form furnished by the enforcement division of the department at 830 Punchbowl Street, Room 340, Honolulu, or its district offices on Hawaii, Maui, and Kauai.
- (c) No formal secret ballot election need be conducted when a petition is received from an employer's sole employee.
- (d) An employee must be on the employer's payroll on the date of election to be eligible to vote.
- (1) In an election requested by an official representative of a collective bargaining unit, only members of that collective bargaining unit who are eligible voters shall be entitled to vote.
- (2) In an election requested by a non-bargaining unit employee, only non-bargaining unit employees of the employer who are eligible voters shall be entitled to vote.
- (3) If the eligibility of a particular employee to vote is challenged, the ballot of that employee shall be received by the departmental representative under protest and placed in an individual envelope provided for that purpose. If challenged ballots would determine the election, the department shall investigate the challenge and the department's findings shall be binding on all parties.
- (e) A certification of election issued by the department shall be valid until a new election and certification of results of that election supersede the previous certification.
- (f) A new petition for election shall not be accepted until two years have elapsed from the date of the previous election. [Eff. 7/30/81] (Auth: HRS §388-13) (Imp: HRS §388-2)

**§12-21-3 Exception to the semimonthly payday.** (a) The director may grant an exception to the semimonthly payday requirement when it is shown that:

- (1) The employer will suffer undue hardship if the application is denied; or
- (2) The employer will give a semimonthly advance equivalent to approximately one-half of the monthly "take home" pay to each employee.

(b) Where the director grants an employer's request to establish regular paydays less frequently than semimonthly on the grounds of undue hardship under subsection (a)(1), the exception shall expire two years from the date of grant. A request for renewal of exception shall be submitted to the director at least thirty days prior to expiration of the exception then in force. [Eff. 7/30/81] (Auth: HRS §388-13) (Imp: HRS §388-2)

**§12-21-4 Withholding of wages.** Adjustment in wages for advances or correction of computation errors from previous payrolls shall not be considered as deductions under section 388-6, Hawaii Revised Statutes. [Eff. 7/30/81] (Auth: HRS §388-13) (Imp: HRS §388-6)

**§12-21-5 Notification.** (a) Every employer shall, at the time of each payment of wages, furnish each employee an itemized statement in writing showing:

- (1) The name of the employer;
- (2) The name of the employee;
- (3) The inclusive dates of the period for which the employee is paid;
- (4) Total gross compensation;
- (5) The amount and purpose of each deduction, except that all deductions made on written orders of the employee may be aggregated and shown as one item;
- (6) Total net pay; and
- (7) Date of payment.

(b) The pay statement shall be furnished in a form that the employee may retain as a personal record. It may be in the form of a section detachable from the check or a separate form. [Eff. 7/30/81] (Auth: HRS §388-13) (Imp: HRS §388-7)

**§12-21-6 Individuals employed in bona fide executive, administrative, professional, or outside salesman capacity.** (a) An individual employed in a bona fide executive capacity is an employee whose:

## §12-21-6

- (1) Compensation is \$1,500 or more per month (exclusive of board, lodging, or other facilities); and
- (2) Primary duty consists of the management of the enterprise or recognized department thereof, which includes the customary and regular direction of the work of two or more employees.
- (b) An individual employed in a bona fide administrative capacity is an employee whose:
  - (1) Compensation is \$1,500 or more per month (exclusive of board, lodging, or other facilities); and
  - (2) Primary duty consists of the performance of office or non-manual field work directly related to management policies or general business operations of the employer or the employer's customers, which includes work requiring the exercise of judgment or discretion.
- (c) An individual employed in a bona fide professional capacity is an employee whose:
  - (1) Compensation is \$1,500 or more per month (exclusive of board, lodging, or other facilities); and
  - (2) Primary duty consists of the performance of work requiring knowledge of an advanced type in a field of science or learning or requiring invention, imagination, or talent in a recognized field of artistic endeavor.
- (d) An individual employed in an outside salesman capacity is an employee:
  - (1) Whose compensation is \$1,500 or more per month (exclusive of board, lodging, or other facilities);
  - (2) Who is employed for the purpose of making sales or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer;
  - (3) Who is customarily and regularly engaged away from the employer's place or places of business; and
  - (4) Whose hours of work of a nature other than that described above do not exceed forty per cent of the hours worked in the workweek by other employees of the employer. [Eff. 7/30/81; am 9/27/84] (Auth: HRS §388-13) (Imp: HRS §388-11)

**§12-21-7 Accrued vacation; severance pay.** A claim for accrued vacation or severance pay shall be considered filed within one year from the date the vacation or severance pay is due and payable if filed with the director or authorized departmental representative within one year from the date of termination from employment with the employer. [Eff. 7/30/81] (Auth: HRS §388-13) (Imp: HRS §388-11)

**§12-21-8 Hearing.** In order to determine the validity of the wage claim and to bring about possible settlement, an informal hearing may be conducted by the director or authorized departmental representative. If a hearing is to be conducted, written notice of hearing specifying the time and place thereof and the claim in dispute shall be given or mailed to the parties five or more days before the hearing. Oral or written evidence of any nature whether or not conforming to the rules of evidence may be accepted. If either party fails to appear, the decision as to the validity of the claim shall be made on the basis of available information. [Eff. 7/30/81] (Auth: HRS §388-13) (Imp: HRS §388-9)

**§12-21-9 Wage claim fund.** The director shall establish a wage claim fund for the purpose of depositing and disbursing monies collected for employees as wage claims or back pay. [Eff. 7/30/81] (Auth: HRS §388-13) (Imp: HRS §388-11)

## OTHER RELATED PUBLICATIONS

Publication Number	Title
HPWL-1	Notice to Employees Under the Payment of Wages and Other Compensation Law (poster)
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